

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMON N. HESTAND, #01343536

§

VS.

§

CIVIL ACTION NO. 6:22cv006

TDCJ INSPECTOR GENERAL, et al.

§

ORDER

Before the Court is Plaintiff's motion for the appointment of counsel, (Dkt. #27), in this pending civil rights proceeding pursuant to 42 U.S.C. § 1983. Plaintiff states that (1) he is unable to afford counsel; (2) his imprisonment will greatly limit his ability to litigate properly; (3) a trial will involve conflicting testimony; and (4) he has contacted attorneys to represent him, to no avail.

However, "[t]here is no automatic right to the appointment of counsel in a section 1983 case. A district court is not required to appoint counsel in the absence of 'exceptional circumstances' which are dependent on the type and complexity of the case and the abilities of the individual pursuing that case." *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). This request for counsel does not allege sufficient facts from which this Court can determine that appointment of counsel, based on exceptional circumstances, is necessary at this time. The Court has determined that this case is not unduly complicated requiring the appointment of counsel at this stage. *See Robbins v. Maggio*, 750 F.2d 405 (5th Cir. 1985). Accordingly, it is

ORDERED that Plaintiff's motion for the appointment of counsel, (Dkt. #27), is **DENIED**—subject to reconsideration if it is later determined that counsel is necessary.

So ORDERED and SIGNED this 3rd day of March, 2022.


K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE